

Before The
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

RULES APPLICABLE TO APPEALS OF POST
OFFICE CLOSINGS

Docket No. RM2011-13

**UNITED STATES POSTAL SERVICE NOTICE OF ERRATA IN OCTOBER 3, 2011
INITIAL COMMENTS OF THE UNITED STATES POSTAL SERVICE**
(October 7, 2011)

The United States Postal Service provides notice of errors on pages 20 and vi (appendix) of its October 3, 2011 Initial Comments. The corrected pages are attached, with the changes in bold font.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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Postal Service opposes the Commission's proposed rules regarding the expansion of appeal rights because they are inconsistent with the governing statute. Although the new rules governing discontinuance actions provide for similar treatment of Post Offices and stations / branches, as explained above the Commission cannot extend appeal rights to the discontinuance of stations, branches, or other subordinate units. As such, the Postal Service expressly reserves its discretion to challenge the Commission's appellate jurisdiction over facilities other than Post Offices.

Proposed Rule § 3025.14(a) states that “[a]ny person ... with a demonstrable interest in the closing or consolidation may participate in an appeal.” The Postal Service opposes this provision since it also contradicts the statute by allowing labor, nonprofit or civic organizations to **participate in** an appeal even when they are not demonstrably served delivery or retail services by a particular office. The closing of a single Post Office is a local issue, and Section 404(d) identifies a “person served by such [Post O]ffice” as the full range of those with standing to bring an appeal. Entities other than customers, such as labor organizations, employees, elected officials, and issue advocates all have distinct forums for addressing their view of management decisions; their involvement in a Post Office discontinuance appeal would not contribute to effective resolution of an appeal involving essentially local questions of local access to postal services. **If exceptional circumstances warrant participation by a party not served by the office subject to appeal, that party may submit comments in accordance with 39 C.F.R. § 3001.20b.**

The Postal Service accordingly favors revision of Proposed Rule 3025.14(a) to clarify that only customers may **participate in a Post Office discontinuance appeal**. The Appendix contains conforming changes that reflect these concerns.

§ 3025.14 Participation by others.

(a) Any person ~~(1) served by a pPost eOffice to be closed or consolidated discontinued; or (2) with a demonstrable interest in the closing or consolidation~~ may participate in an appeal. A person may participate in an appeal by sending written ~~comments~~ **correspondence** to the Postal Regulatory Commission in the manner described in section 3025.11.

(b) ~~Persons~~ **Participants** may submit comments in support of petitioner or in support of the Postal Service in accordance with the deadlines established in this Part. ~~Commenters~~ **Participants** may use PRC Form 61, which is available on the Commission's website, *www.prc.gov*.

§ 3025.20 The record on review.

The record on review includes:

- (1) the final determination;
- (2) the notices to persons served by the pPost eOffice to be ~~closed or consolidated discontinued~~;
- (3) the administrative record; and
- (4) all documents submitted in the appeal proceeding; and
- ~~(5) facts of which the Commission can properly take official notice.~~

~~However, a petitioner or commenter may dispute factual matters or conclusions drawn in the administrative record.~~

§ 3025.21 Filing of the administrative record.

The Postal Service shall file the administrative record within 10 days of the date of posting of a Petition for Review on the Commission's website. The Commission may alter this time for good cause. The ~~Postal Service~~ Commission shall notify participants who do not file electronically of the filing of the administrative record. Such notification shall be made by First-Class Mail.